

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Reginald Stewart,

Civil No. 08-5509 (DWF/JJG)

Petitioner,

v.

ORDER

Warden Dwight Fondren,

Respondent.

Reginald Stewart, *Pro Se*, Petitioner.

Ana H. Voss and Gregory G. Brooker, Assistant United States Attorneys, United States Attorney's Office, counsel for Respondent.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 6, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court